



Form 1449 was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

Applicants note that U.S. Publication No. 2005/0203968 (hereinafter “the ‘968 publication”), which has the same assignee as the pending application, was cited in the Notice of Allowance listed on the enclosed Form 1449. The ‘968 publication has a filing date of March 12, 2004. Therefore, the ‘968 publication is not prior art to the pending application. Accordingly, the ‘968 publication is not listed on the enclosed Form 1449.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not “prior art.” Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612/332-5300

Date: October 6, 2008

/Robert A. Kalinsky/  
Robert A. Kalinsky  
Reg. No. 50,471  
RAK/JKS:rlk

